

3357. Misbranding of Electreat (device). U. S. v. Charles Willie Kent (Electreat Mfg. Co.). Plea of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 23270. Sample No. 49770-H.)

INFORMATION FILED: December 23, 1947, Southern District of Illinois, against Charles Willie Kent, trading as the Electreat Mfg. Co., Peoria, Ill. :

ALLEGED SHIPMENT: On or about March 17, 1947, from the State of Illinois into the State of Texas.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device, including accompanying circulars entitled "Electreat Instruction Chart" and "Do You Want to Improve Your Health?" contained false and misleading statements. The statements represented and suggested that the device would improve health; that it would relieve muscular aches and pains; that it would be efficacious in the cure, mitigation, treatment, and prevention of sinus trouble, arthritis, earaches, menstrual disturbances, sleeplessness, nervous disorders, rheumatism, heart attack, and paralysis; and that it would remove dandruff. The device would not improve health; it would not relieve muscular aches and pains; it would not be efficacious in the cure, mitigation, treatment, and prevention of sinus trouble, arthritis, earaches, menstrual disturbances, sleeplessness, nervous disorders, rheumatism, heart attack, and paralysis; and it would not remove dandruff.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on September 11, 1950. The trial was concluded on September 21, 1950, at which time the jury returned a verdict of guilty. Thereafter, motions for arrest of judgment and for a new trial were filed on behalf of the defendant; and on January 24, 1951, after consideration of the arguments of counsel, the court denied the motions and imposed a fine of \$1,000, plus costs, against the defendant.

3358. Misbranding of Enderlins Electrolytic Health Compress (device). U. S. v. 99 Unlabeled Devices * * *. (F. D. C. No. 29771. Sample No. 35565-K.)

LIBEL FILED: October 3, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about December 29, 1949, from Munich, Germany.

PRODUCT: 99 unlabeled devices at San Francisco, Calif., together with leaflets entitled "Enderlins Electrolytic Health Compress," in possession of Dr. Herbert O. Weber.

The device consisted of a plastic box attached to a cotton strap or belt. Terminals of a flashlight battery inside the box were connected to 2 round metal disks on the outside. The device was to be strapped on the body, with the 2 disks in contact with the skin.

NATURE OF CHARGE: Certain false and misleading statements in the leaflets misbranded the devices, Section 502 (a), while they were held for sale after shipment in interstate commerce. These statements represented and suggested that the device would act by way of the blood stream and nervous system upon the entire organism; that it would change part of the body acids into